

## TEXT OF PROPOSED LAWS

## PROPOSITION 51 (cont.)

(e) Notwithstanding any other provision of this section, Section 2 of this act shall take effect on January 1, 2003.

SEC. 24. (a) This act shall be liberally construed to further its purposes, especially with respect to being allowed to take effect. (b) Any conflict between a provision in this act and any other provision of law in existence prior to the effective date of this act shall be resolved in favor of the provision in this act.

(c) The act shall be implemented in the most expeditious manner. All state and local officials shall implement this act to the fullest extent of their authority.

(d) Any person has standing to enforce any provision of this act.

(e) Money appropriated, expended, or transferred pursuant to this measure shall not be deemed to be a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.



## PROPOSITION 52

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the Elections Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

## PROPOSED LAW

ELECTION DAY VOTER REGISTRATION  
ACT OF 2002

## ARTICLE 1. TITLE

SECTION 1. This measure shall be known and may be cited as the "Election Day Voter Registration Act of 2002."

## ARTICLE 2. FINDINGS AND PURPOSES

SEC. 2. The people of the State of California hereby find and declare:

(1) It should be the policy of this state to ensure that every legally eligible voter who wants to vote has the chance to do so.

(2) Voter turnout in California is on the decline. In fact, the California 2000 Presidential election had the lowest voter turnout since the election of 1924. As the largest and most diverse state in the nation, California should modify its laws for the purpose of increasing voter turnout and should take all reasonable steps to achieve that purpose. States that currently allow Election Day Voter Registration lead the nation in voter turnout.

(3) The purposes of the Election Day Voter Registration Act are to:

(a) establish procedures that enable eligible voters to register and vote on Election Day;

(b) give every legally eligible voter the opportunity to vote; and

(c) increase protections against voter fraud.

(4) The Election Day Voter Registration Act increases penalties for vote fraud and voter registration fraud.

(5) It provides additional time for elections officials to prepare voter rolls and materials for Election Day.

## ARTICLE 3.

## ELECTION DAY VOTER REGISTRATION

SEC. 3. Article 4.5 (commencing with Section 2170) is added to Chapter 2 of Division 2 of the Elections Code, to read:

## Article 4.5. Election Day Registration and Voting

2170. In addition to other methods of voter registration provided by this code, any elector who is otherwise qualified to vote under this code and Section 2 of Article II of the California Constitution may register or reregister to vote in accordance with the following provisions upon presentation of proof of current residence address:

(a) An elector may register to vote, or may reregister if the reregistration is based only on a change of legal name or place of residence, on election day at the polling place in his or her precinct. The elections official shall provide voter registration forms for use in registration at all voting locations.

(b) An elector may register or reregister to vote beginning 28 days prior to the election and continuing through election day at any office of the county elections official in the county in which the voter resides. If the voter is currently reg-

istered within the county and has moved within that county, he or she must only complete a new affidavit of registration.

2171. (a) A person who registers or reregisters to vote on the day of the election, upon showing proof of current residence and executing an affidavit of registration that certifies under penalty of perjury that the information contained in the affidavit is true and correct, may cast a ballot as provided in Article 4 (commencing with Section 14270) of Chapter 3 of Division 14.

(b) For purposes of this section, proof of current residence for a voter attempting to vote at the polling place at which he or she is entitled to vote based on his or her current residence address shall consist of:

(1) A current, valid California driver's license or California identification card that includes the name and current residence address of the voter; or

(2) Any two documents from the categories listed below, except that no more than one document per category listed in subparagraphs (L) and (M) shall be used, both of which shall contain the name and current residence address of the voter:

(A) Military identification.

(B) College or university fee card or student identification.

(C) Lease agreement.

(D) Mortgage statement.

(E) Property tax statement.

(F) Income tax return.

(G) Utility bill.

(H) Credit card bill.

(I) Bank statement.

(J) Preprinted check or bank deposit slip.

(K) Vehicle registration.

(L) Mail addressed to the voter at his or her current residence address.

(M) Sworn written statement given in the presence of a poll worker at the polling place from a registered voter in the precinct stating that he or she knows and can identify the person who is attempting to vote, and attesting to the name and residence address of the person attempting to vote.

(c) The elections official shall send a voter notification form after the date of the election to any person who is properly registered or reregistered to vote pursuant to this section, and the voter shall be registered for future elections at the address at which the voter is so registered or reregistered. The affidavit of registration of any person whose voter notification form is returned by the post office as undeliverable shall be processed in accordance with the procedures set forth in Section 2221.

2172. A person who resides in an all-mail ballot precinct or in a jurisdiction holding an all-mail ballot election who wishes to register or reregister to vote within 28 days of the election or on election day may do so pursuant to subdivision (b) of Section 2170.

2173. The elections official shall compile a list or index of voters who registered or reregistered to vote pursuant to this article. After the canvass of the votes for the election, the elections official shall review the names on the list or index and cancel any duplicate voter registrations that may exist. If it appears that any voter whose name appears on the list or index may have committed fraud within the meaning of Section 18560 of the Elections Code, the elections official shall immediately notify in writing both the district attorney and the Secretary of State.

2174. (a) Each polling place shall have a separate area dedicated to election day voter registration. At least one precinct board member in each polling place shall be trained prior to the election in election day registration and voting procedures and shall be assigned to conduct election day voter registration. New registration or reregistration under this act shall be conducted in a manner that does not interfere with or delay the voting of persons previously registered to vote.

## PROPOSITION 52 (cont.)

(b) The elections official shall provide training to any persons who will be conducting election day registration or reregistration. Students who meet the requirements of Section 12302 may also conduct election day registration or reregistration provided they undergo the training provided for that purpose and are approved by the elections official.

2175. (a) Each polling place shall provide in a conspicuous location in the area designated for voter registration a poster that includes all of the following information:

(1) A statement that the law provides for election day registration and/or reregistration.

(2) A description of the types of documents that may be used to demonstrate proof of current residence.

(3) A statement that registration documents are signed under penalty of perjury and that any fraudulent statement made in connection with registering to vote may subject the person to criminal prosecution.

(b) In addition to the poster specified by subdivision (a), the same information will be available in written form for distribution at the polling place in any languages in which the ballot and voter registration materials are required to be available.

(c) The Secretary of State and each elections official shall educate voters about election day registration, and shall include information about the availability of election day registration in all existing voter education efforts. Information about election day voter registration will be available in languages other than English as required by current law relating to registration and voting materials.

#### ARTICLE 4. INCREASED PENALTIES FOR FRAUD

SEC. 4. In order to minimize the possibility of fraudulent registration or voting activity, the penalties for engaging in such activity, or conspiring to engage in such activity, shall be increased. The following Elections Code provisions are hereby amended to increase the penalties as indicated:

18001. Upon a conviction ~~for~~ of any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the court ~~may~~ shall impose a fine on the offender not exceeding ~~one thousand dollars (\$1,000) two thousand dollars (\$2,000)~~ in cases of misdemeanors or ~~ten thousand dollars (\$10,000) twenty thousand dollars (\$20,000)~~ in cases of felonies, in addition to the imprisonment prescribed.

SEC. 5. NEW PENALTIES FOR CONSPIRACY TO COMMIT FRAUD. Section 18561.1 is added to the Elections Code, to read:

18561.1. If two or more persons conspire to commit the following acts they are guilty of a felony punishable by imprisonment in state prison for three, four, or five years:

(a) Not being entitled to vote at an election, fraudulently votes or fraudulently attempts to vote at an election.

(b) Being entitled to vote at an election, votes more than once or attempts to vote more than once.

(c) Procures, assists, counsels, or advises another person to vote at an election, knowing that the person is not entitled to vote.

(d) Procures, assists, counsels, or advises another person otherwise entitled to vote at an election to vote more than once.

(e) Pays, lends, contributes, offers or promises any money or other valuable consideration to another person to vote at an election for any particular candidate.

(f) Attempts to pay, lend, contribute, offer or promise any money or other valuable consideration to another person to vote at an election for any particular candidate.

#### ARTICLE 5. CLOSE OF REGISTRATION OTHER THAN 28-DAY PERIOD PRIOR TO ELECTION DAY REGISTRATION AND ELECTION DAY; OTHER CONFORMING CHANGES TO ELECTIONS CODE

SEC. 6. This act changes the current 15-day close of registration to 29 days, except in cases of voter registration in accordance with the provisions of this act occurring in the 28-day period prior to the election and on election day. The following provisions of the Elections Code are amended to effectuate this change:

SEC. 7. Section 321 of the Elections Code is amended to read:

321. "Elector" means any person who is a United States citizen 18 years of age or older and a resident of ~~an election precinct~~ the State of California at least 29 days prior to an election.

SEC. 8. Section 2035 of the Elections Code is amended to read:

2035. A person duly registered as a voter in any precinct in California who removes therefrom within ~~14~~ 28 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person so removed until the close of the polls on the date of that election.

SEC. 9. Section 2100 of the Elections Code is amended to read:

2100. No person shall be registered except as provided in this chapter ~~except~~, or as provided in Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2, or upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

SEC. 10. Section 2102 of the Elections Code is amended to read:

2102. (a) A person may not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the ~~15th~~ 29th day prior to an election to be held in the registrant's precinct, or during the 28 days prior to the election or on election day in accordance with Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the ~~15th~~ 29th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in ~~paragraphs~~ paragraph (1) or (2) on or before the ~~15th~~ 29th day prior to the election.

(b) For purposes of verifying signatures on a recall, initiative, or referendum petition or signatures on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both ~~(a)~~ (1) the affidavit is signed on the same date or a date prior to the signing of the petition or paper, and ~~(b)~~ (2) the affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other provision of law to the contrary, the affidavit of registration required under this chapter may not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

SEC. 11. Section 2107 of the Elections Code is amended to read:

2107. (a) Except as provided in subdivision (b), the county elections official shall accept affidavits of registration at all times except during the ~~14~~ 28 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is to be held ~~except as provided in Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2~~. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time when registration is in progress in the precinct to which the elector seeks to transfer.

(b) The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the ~~15th~~ 29th day prior to the election, and if any of the following apply:

(1) The affidavit is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 29th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs ~~(2)~~ (1) and ~~(3)~~ (2) on or before the ~~15th~~ 29th day prior to the election.

SEC. 12. Section 2119 of the Elections Code is amended to read:

2119. (a) In lieu of executing a new affidavit of registration for a change of address within the county the county elections official shall

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accept a notice or letter of the change of address signed by a voter as he or she is registered.

(b) The county elections official shall accept a notification for the forthcoming election and shall change the address on the voter's affidavit of registration accordingly if the notification is executed on or before the ~~15th~~ 29th day prior to the election and if any of the following apply:

(1) The notification is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(2) The notification is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 29th day prior to the election.

(3) The notification is delivered to the county elections official by means other than those described in paragraphs ~~(2)~~ (1) and ~~(3)~~ (2) on or before the ~~14th~~ 29th day prior to the election.

SEC. 13. Section 2154 of the Elections Code is amended to read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official ~~voters~~ shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If no party affiliation is shown, it shall be presumed that the affiant has no party affiliation.

(c) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the ~~15th~~ 29th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the ~~15th~~ 29th day prior to the election, or (2) the affidavit is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as "United States," "U.S.A.," or other recognizable term designating the United States.

SEC. 14. Section 2155 of the Elections Code is amended to read:

2155. Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address correction requested. The voter notification shall be substantially in the following form:

## VOTER NOTIFICATION

You are registered to vote. This card is being sent as a notification of:

1. Your recently completed affidavit of registration,

OR,

2. A correction to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write the county elections official immediately.

~~You may vote in any election held 15 or more days after the date shown on the reverse side of this card.~~

Your name will appear on the index kept at the polls.

(Signature of Voter)

SEC. 15. Section 9094 of the Elections Code is amended to read:

9094. (a) The Secretary of State shall mail ballot pamphlets to voters, in those instances in which the county ~~clerk~~ elections official uses data processing equipment to store the information set forth in the

affidavits of registration, before the election at which measures contained in the ballot pamphlet are to be voted on ~~unless a voter has registered fewer than 29 days before the election provided the voter has registered more than 28 days prior to the election~~. The mailing shall commence not less than 40 days before the election and shall be completed no later than 21 days before the election for those voters who registered on or before the 60th day before the election. The Secretary of State shall mail one copy of the ballot pamphlet to each registered voter at the postal address stated on the voter's affidavit of registration, or the Secretary of State may mail only one ballot pamphlet to two or more registered voters having the same surname and the same postal address.

(b) In those instances in which the county ~~clerk~~ elections official does not utilize data processing equipment to store the information set forth in the affidavits of registration, the Secretary of State shall furnish ballot pamphlets to the county ~~clerk~~ elections official not less than 45 days before the election at which measures contained in the ballot pamphlet are to be voted on and the county clerk shall mail ballot pamphlets to voters, on the same dates and in the same manner provided by subdivision (a).

(c) The Secretary of State shall provide for the mailing of ballot pamphlets to voters registering after the 60th day before the election and before the 28th day before the election, by either: (1) mailing in the manner as provided in subdivision (a), or (2) requiring the county ~~clerk~~ elections official to mail ballot pamphlets to those voters registering in the county after the 60th day before the election and before the 28th day before the election pursuant to the provisions of this section. The second mailing of ballot pamphlets shall be completed no later than 10 days before the election. The county ~~clerk~~ elections official shall mail a ballot pamphlet to any person requesting a ballot pamphlet. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters, including voters registering or reregistering on election day in accordance with Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2.

SEC. 16. Section 13303 of the Elections Code is amended to read:

13303. (a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face and shall be identical to the official ballots used in the election, except as otherwise provided by law. A sample ballot shall be mailed, postage prepaid, not more than 40 nor less than 21 days before the election to each voter who is registered at least 29 days prior to the election.

(b) The elections official shall send notice of the polling place to each voter with the sample ballot. Only official matter shall be sent out with the sample ballot as provided by law.

~~(c) The elections official shall send notice of the polling place to each voter who registered after the 29th day prior to the election and is eligible to participate in the election. The notice shall also include information as to where the voter can obtain a sample ballot and a ballot pamphlet prior to the election, a statement indicating that those documents will be available at the polling place at the time of the election, and the address of the Secretary of State's website and, if applicable, of the county website where a sample ballot may be viewed.~~

ARTICLE 6.  
FUNDING FOR ADDITIONAL  
ELECTION DAY PERSONNEL

SEC. 17. Section 2131 is added to the Elections Code, to read:

2131. (a) The Election Day Registration Fund is hereby established in the State Treasury. The fund is a special fund created for the purpose of assisting elections officials in implementing the provisions of this act, including, but not limited to, training and providing additional personnel to conduct registration on election days, providing additional voter registration materials and expanding voter outreach programs.

(b) Notwithstanding Section 13340 of the Government Code, the sum of six million dollars (\$6,000,000), adjusted annually to reflect increases in the cost of living, shall be continuously appropriated from the General Fund to the Election Day Registration Fund without regard to fiscal year for the purposes of this act.

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(c) On July 1 of each year the State Controller shall transfer from the General Fund to the Election Day Registration Fund the sum of six million dollars (\$6,000,000), along with any cost-of-living increases. Notwithstanding Section 13340 of the Government Code, all funds in the Election Day Registration Fund shall be continuously appropriated to the Secretary of State without regard to fiscal year to be expended for the purposes of the act.

(d) Funds deposited in the Election Day Registration Fund are not otherwise subject to appropriation by the Legislature and, notwithstanding any other provision of law, may be expended by the Secretary of State without regard to fiscal year and shall not revert to any other fund. Notwithstanding any other provision of law, interest earned by the fund shall accrue only to the fund and may be expended only for the purposes of the act.

(e) Moneys deposited in the Election Day Registration Fund shall be distributed annually by the Secretary of State to counties to cover the costs of implementing the provisions of this act, including the cost of providing and training additional personnel to conduct election day voter registration, creating additional voter registration materials and expanding voter outreach programs. Such moneys shall be allocated using a fair and equitable distribution formula that gives priority to the actual expenses of providing the additional personnel required by this act. All funds transferred to the Election Day Registration Fund shall be distributed to the counties for use as specified in this act; no part of these funds shall be used by the Secretary of State to administer the allocation process.

(f) Elections officials receiving moneys from the Election Day Registration Fund shall submit an annual report to the Secretary of State which identifies how those moneys were used, including the number of personnel added to conduct voter registration and a description of any voter outreach efforts implemented as a result of the funding.

## ARTICLE 7.

SEC. 18. LIBERAL CONSTRUCTION. The provisions of this act shall be liberally construed to effectuate its purpose of allowing and facilitating voter registration and voter reregistration on election day.

## ARTICLE 8.

SEC. 19. AMENDMENTS. This act may be amended to further its purpose by statute, passed in each house, two-thirds of the Legislature concurring, and signed by the Governor. For purposes of this section, a statute will not be deemed to further the purposes of the act if it eliminates or creates significant impediments to election day registration or reregistration. However, it is not the intent of this section to preclude changes in registration procedure that are the result of changes in technology, provided those changes are intended to facilitate the registration process and increase the number of eligible voters who register to vote. Notwithstanding the above, any of the sections contained in Article 5 of this act may be amended by statute, passed by majority vote of each house, and signed by the Governor.

## ARTICLE 9.

SEC. 20. SEVERABILITY. In the event that any section or provision of this act, or the application thereof to any person or circumstances, is held invalid, it is the intent of the voters that the remaining sections of the act continue in full force and effect, and to this end the provisions of the act are severable.